

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
Plaintiff,)
vs.)
MATTHEW J. CAMPBELL,)
Defendant.)

8:10CR313

ORDER

This matter is before the court on the motion to continue by defendant Matthew J. Campbell (Campbell) (Filing No. 39). Campbell seeks a continuance of the trial of this matter which is scheduled for February 28, 2011. Campbell has filed an affidavit wherein Campbell represents that he consents to the motion and acknowledges he understands the additional time may be excludable time for the purposes of the Speedy Trial Act (Filing No. 40). Campbell's counsel represents that government's counsel has no objection to the motion. Upon consideration, the motion will be granted.

IT IS ORDERED:

1. Campbell's motion to continue trial (Filing No. 39) is granted.

2. Trial of this matter is re-scheduled for **April 11, 2011**, before Chief Judge Joseph F. Bataillon and a jury. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **February 24, 2011, and April 11, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason that defendant's counsel requires additional time to adequately prepare the case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 24th day of February, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge